

COMPREHENSIVE LAND USE PLAN UPDATE

FOR THE TOWN OF OCEAN VIEW

SUSSEX COUNTY

DELAWARE



January 2004



Prepared By

**TOWN OF OCEAN VIEW
TOWN COUNCIL
PLANNING AND ZONING COMMISSION**



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INTRODUCTION

VISION

IMPLEMENT A COMPREHENSIVE LAND USE PLAN THAT WILL ENHANCE OCEAN VIEW'S QUALITY OF LIFE AND RETAIN ITS SMALL TOWN CHARM WHILE COPING EFFECTIVELY WITH THE PRESSURES OF GROWTH

The current Comprehensive Land Use Plan (CLUP) for Ocean View was adopted on May 2, 2000. The Town decided that it should review and update this plan even though the Town is only required by Delaware State Law to update the Plan on a 5-year basis.

On September 3, 2002, the Town Council discussed the idea of revising the Town's Comprehensive Land Use Plan since the Town had received several inquiries about annexation outside the Town's current growth area and comments on zoning changes and the "Old Town versus New Town" concept. Members of the Town Council and the Planning and Zoning Commission formed a Committee to Update the Town's CLUP at its first meeting on October 17, 2002, and decided to prepare and send a questionnaire to all property owners in the Town of Ocean View and made final adjustments to and approved it at a November 6, 2002, workshop. The Town had an astounding response to the questionnaire; over 52% of property owners responded. The answers were compiled by the University of Delaware's Institute of Public Administration. Several public meetings were held to discuss the questionnaire results in conjunction with updating the Plan.

The State has adopted legislation including Governor Minner's "Livable Delaware" and House Bill 255, which attempt to ensure that this rapid growth benefits rather than harms Delaware. This latest revision of the CLUP will incorporate these new laws. "Livable Delaware" encourages growth around existing communities rather than rural sprawl. House Bill 255 states that the Town's zoning map must be updated to comply with the Town's CLUP within 18 months after its adoption, and all properties should be rezoned in accordance with the Plan. The second part of House Bill 255 mandates a State review process that the Town must comply with in order to annex additional properties into the Town.

The Town of Ocean View has become one of the fastest growing municipalities in Sussex County because of this push toward municipal rather than rural growth and the attraction of nearby beaches and inland bays and the Town's quaint small-town charm.

The State of Delaware is also experiencing phenomenal growth. The summary of the Strategies for State Policies and Spending states that "All across Delaware, people are talking about growth." Both the State Strategies and Sussex County's Comprehensive Land

Use Plan discuss environmentally sensitive developing areas. The Town has the same environmental concerns since it too is located in such an area and understands that it must introduce adequate land use planning and zoning legislation to ensure the preservation of Ocean View's "small town" character. Along with preserving the community's character, the Town will also strive to protect and safeguard its sensitive environment.

The questionnaire revealed that many property owners were concerned about preserving the small town atmosphere; the lack of mobility within the Town; creating sidewalks, bicycle paths, and pedestrian walkways; controlling growth outside the Town's current boundaries; and restricting the commercial district to Atlantic Avenue.

In summary, the most important considerations in updating the Comprehensive Plan are:

- Determination of the proposed growth area for the Town
- Consideration of density in the Town
- Determination of the uses desired on the Route 26 (Atlantic Avenue) corridor

- Development of a Multi-Modal Transportation Plan
- Agreement of zoning map and Comprehensive Plan
- Meeting any additional needs created by the rapid growth and desire to maintain the small town atmosphere during the next decade
- Protection of the inland bays

The Committee to Update the Town's Comprehensive Land Use Plan held meetings on:

October 17, 2002

November 6, 2002

February 24, 2003

March 31, 2003

April 29, 2003

May 27, 2003

July 2, 2003

September 4, 2003

January 26, 2004

Some of the concerns expressed in the workshops were the same as the questionnaire responses, and the Committee has made every effort to address all concerns and incorporate them into the revised Plan.

See attached Town of Ocean View Maps:

Map 1 Regional Location

Map 2 Town Boundaries

HISTORY

The Town of Ocean View is located in land known as “Middlesex” granted to Matthew Scarborough under the authority of “Charles, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore.” After the death of Scarborough, his land passed to his heirs, the Hazzard and Hall families, who founded the Town of Ocean View. Shortly after 1800, W.S. Hall opened a store near White’s Creek on the Old Middlesex Plantation. This area soon became a village known as Hall’s Store with a population of farmers, watermen, seamen, and their families. After the Civil War, people discovered the nearby beaches and changed the name to Ocean View because residents could see the Atlantic Ocean from their second stories.

The Town formerly known as “Hall’s Store” was incorporated as Ocean View on April 13, 1889. The first Town Council meeting was held on April 20, 1889, and the nine Council members elected Sea Captain George W. West as the first President of Council.

In 1923, Mrs. Cecile Long Steele raised the first commercial flock of broiler-fryer chickens and established Ocean View as the birthplace of the commercial broiler industry. While this same industry is Delaware’s number one agricultural enterprise, it is no longer a vital part of the economic life of the Town.

From the 1950’s to 1980’s, the Town remained a small community of single-family homes occupied for the most part by permanent residents with a small number used as second homes.

Today, the Town is still known for its small town atmosphere and quiet way of life. The Town has become a destination for tourists and second home residents who wish to have a quiet getaway near the beach and bay and is also a mecca for retirees.

The Town has two natural waterways: the Assawoman Canal on its eastern boundary and Whites Creek, head waters to the Indian River Bay, to the north. Both served as shipping channels during the turn of the century and [act](#) as recreational waterways today.

LAND USE

GOAL

TO BALANCE GROWTH AND MAINTAIN THE SMALL TOWN ATMOSPHERE

Currently, the Town of Ocean View encompasses approximately 1,325 acres and is located 1 mile west of the Atlantic Ocean in the coastal area of Sussex County. Ocean View hopes to retain its small town charm by implementing adequate safeguards.

The Town's population has grown dramatically in the past 10 years, going from 600 in the 1990 census to 1006 in the 2000 census, a growth rate of 67%. This rapid growth contrasts vividly with the Town's slower growth rate of 18% from 1960 (422) to 1980 (495) and a 22% growth rate from 1980 to 1990 as shown below in Table 1.

TABLE 1: POPULATION GROWTH

| YEAR | POPULATION |
|------|------------|
| 1940 | 406 |
| 1950 | 450 |
| 1960 | 422 |
| 1970 | 411 |
| 1980 | 495 |
| 1990 | 606 |
| 2000 | 1006 |

Source: U.S. Census Bureau

The 2000 Census shows that while Ocean View's population is predominantly white (98%), it also has a population that is 1.4% African-American, .6% American Indian or Alaskan Native, .7% Asian, and .1% other.

In 2000, Ocean View's median age of 50.6 was higher than Sussex County's

median age of 41.1 and the State of Delaware's 36. Ocean View has more residents over the age of 65 and fewer inhabitants under the age of 18 than either Sussex County or the State of Delaware as shown in Table 2. These trends will continue as long as many retirees move to the area.

TABLE 2: AGE GROUPS

| Jurisdiction | % under age 18 | % over age 65 |
|--------------------|----------------|---------------|
| State of Delaware | 24.8% | 13.0% |
| Sussex County | 22.5% | 18.5% |
| Town of Ocean View | 17.7% | 27.8% |

Source: U.S. Census Bureau, 2000 Census

Ocean View's median household income (\$47,500) is higher than Sussex County's (\$39,208) and the State of Delaware's (\$47,381) according to the 2000 Census.

The U.S. 2000 Census data also show that Ocean View has fewer residents who fall below the poverty level (2.8%) than Sussex County (10.5%) or the State of Delaware (9.2%).

Population projections are difficult to forecast; therefore, we have calculated a low population based on the growth rate of 22% from 1980 to 1990 as shown in Table 3 below.

TABLE 3: LOW POPULATIONS

| | 2000 | 2010 | 2020 |
|------------|------|------|------|
| Population | 1006 | 1227 | 1497 |
| % Change | 22% | 22% | 22% |

Table 4 projects the maximum population based on total build-out in 2013 with an average 200 certificates of occupancy issued until 2006 (based on the average number of certificates of occupancy issued in 1999 ~ 2002) and 100 certificates issued thereafter until total build-out.

TABLE 4: MAXIMUM POPULATIONS

| | 2000 | 2010 | 2020 |
|-----------------------|------|------|------|
| Population | 1006 | 3156 | 3666 |
| Housing units | 751 | 2351 | 2732 |
| Occupied (61%) | 458 | 1434 | 1667 |
| Owner Occupied (90%) | 888 | 2788 | 3240 |
| Renter Occupied (10%) | 118 | 368 | 426 |

Source: Base year information taken from U.S. Census Bureau with 2.16 used as the average household size of owner-occupied units and 2.57 used for the average renter-occupied units.

The Town currently has 2,616 parcels within its boundaries. About 48% of these parcels are now unimproved, but 80% of the unimproved lots anticipate development within the next 5 years. Housing types in the Town are single-family detached homes and multi-family attached homes. The current approved zoning is 69% single family detached homes, 28% multi-family attached homes, and 2% general business. The

multi-family attached homes are currently found in the Town's Residential Planned Communities (RPC's). The 2000 U.S. Census data show 754 housing units in the Town of Ocean View; 97.4% of these units were single-family detached structures. Table 5 shows the housing composition within the Town of Ocean View per the 2000 U.S. Census.

TABLE 5: HOUSING COMPOSITION

| Type of homes | Number | Percentage |
|--------------------------|--------|------------|
| Single Family - detached | 734 | 97.4% |
| Attached units | 9 | 1.2% |
| Mobile homes | 11 | 1.4% |

Source: U.S. Census Bureau, 2000 Census

Table 6: Housing Age shows that 47.9% of these homes were built since 1990.

TABLE 6: HOUSING AGE

| Years | Number | Percentage |
|----------------|--------|------------|
| 1990 ~ 2000 | 361 | 47.9% |
| 1980 ~ 1989 | 160 | 21.2% |
| 1970 ~ 1979 | 89 | 11.8% |
| 1960 ~ 1969 | 40 | 5.3% |
| 1940 ~ 1959 | 34 | 4.5% |
| 1939 and prior | 70 | 9.3% |

The Town of Ocean View realizes that there is a potential historic district north of Route 26 and understands that the

protection of these homes is an important aspect of preserving its small town atmosphere. The Town will therefore work with both State and County agencies to identify these buildings and develop regulations to preserve them.

The Town's diverse real estate stock has been very well maintained as proven by the 2000 U.S. Census, which shows that the Town's median's house value of \$146,700 was higher than that of Sussex County (\$122,400) and the State of Delaware (\$139,400).

As a small resort-area town, Ocean View does not confront the same redevelopment issues that larger municipalities face. It has no brownfields, former industrial complexes, or vacant shopping centers that require redevelopment.

Table 7: Current Land Uses in the Town of Ocean View

TABLE 7: CURRENT LAND USES

| Land Use | Number of Parcels | Percent of Total |
|---------------------|----------------------|---------------------|
| Vacant | 660 | 25.3% |
| Agricultural | 3 | .1% |
| Residential | 1269 | 48.5% |
| General Business | 67 | 2.5% |
| Institutional | 6 | .2% |
| Utilities | 3 | .1% |
| Open Areas | 1 | N/A |
| Recreational | 3 | .1% |
| Transition* | 607 | 23.2% |
| Total | 2616 | 100% |

*Transition – parcels currently subdivided but under development.

The actual acreage for agricultural and open areas is estimated to be around 83.8

acres, which could become over 250 additional parcels if these lands are ever subdivided.

Responses to the Town's recent questionnaire revealed that property owners are in favor of growth for a number of reasons; e.g., control of development and density and increasing the Town's revenue base. The Town must ensure that revenues from growth and development are sufficient to cover the cost of municipal services that the Town must provide to the expanded population. Municipal services now include full-time police protection, street maintenance, and street lighting.

Annexation is a process through which land becomes incorporated into the municipality from the surrounding county. The Town's Charter specifies that every property owner wishing to annex into the Town must petition the Town Council to do so. The property must be contiguous to the existing corporate limits of the Town and in the Town's proposed growth area to be eligible for annexation. If the petition meets these two criteria, the Town Council votes to accept the petition and forwards it to the Planning and Zoning Commission to determine the feasibility of the annexation and to the State Planning Office for its comments. The Town must submit a plan of services with the annexation application to the State Planning Office. This plan of services must include not only the amenities the Town will provide but a detailed explanation of the manner in which they will be provided and proof of the fiscal and operating capabilities of the Town to provide the services. The Town must also provide a letter from Sussex County on the availability of

sewer, since a portion of the annexation area is outside the current sewer service area. The Sussex County Area Planning Study (SCAPS) is being updated, and sewer may become available in the planning period. The Town must also comply with the annexation requirements in Title 22, Section 101 of the Delaware Code, which require that annexations conform to four additional provisions. 1) The annexation must be consistent with the Town's most recently adopted comprehensive plan; i.e., the potential annexation area is shown as an area for future annexation in the adopted plan. 2) The Town must prepare a plan of services to be given to the annexed area detailing how services will be provided and the capabilities of the Town to provide such services. A letter of intent from any outside utility provider must accompany the plan of services. 3) The annexed area must be rezoned to the classification consistent with the Town's adopted comprehensive plan. 4) The Town must notify the State and all affected jurisdictions of the proposed annexation, conduct a public hearing, and allow for a comment period of at least 30 days before formal annexation.

The Town also requires additional information from the petitioner such as a letter from Sussex County about sewer availability, a letter of intent from the public utility if water is being served, and a letter or permit from the Delaware Department of Transportation (DelDOT) when the development's entrance is on a State-maintained road. The Council reviews these recommendations and comments and votes on the petition. If the annexation is less than 5 acres, the property annexation is effective on the date of the Council vote and cannot be

contested. If the annexation is over 5 acres, a 31-day waiting period follows the vote, and the annexation ordinance becomes effective if not contested.

Annexations are not subject to referendum unless 33% of the qualified voters petition for one. The annexation ordinance is effective if the majority of the qualified voters vote for the annexation or is rejected if voted down.

The Town is looking at the south side of Town for possible growth. This area is now farmland that is rapidly being developed, and the Town wants the option of annexing these parcels in order to control their density and provide the Town with a revenue stream to help defray the additional costs incurred by the Town when these residents use the Town streets and other amenities.

The Town has annexed over 1,455 parcels into the southern end of Town since 1995. Table 8 gives details on the larger annexations since 1995. Town-maintained streets increased from 9.54 miles in 1995 to 13.33 miles at present; this figure is expected to increase to over 20 miles by 2005.

TABLE 8: ANNEXATION DATA – SUBDIVISION OVER 10 PARCELS.

| Name of Development | Number of Parcels | Number of Acres |
|---------------------|-------------------|-----------------|
| Savannahs Landing | 151 | 59.96 |
| Hunters Run | 88 | 40.62 |
| Bear Trap | 700 | 457.00 |
| Wedgfield/Avon Park | 179 | 62.2 |
| Fairway Village | 332 | 121.40 |

The Town of Ocean View has no formal annexation strategy for phasing in

developments. The Town Council has restricted the number of units permitted each year in the Savannahs Landing, The Village of Bear Trap Dunes, and Fairway Village subdivisions and will continue this limitation in the future.

The Town's citizens also expressed concerns about the future densities of any newly annexed parcels, and the Town realizes that there are sewer capacity limitations; therefore, it will amend its current ordinances to reduce the number of units allowed per acre. Ocean View feels that it would not be advantageous to become a designated Transferable Development Rights receiving area.

Map 3 (attached) illustrates the possible growth area of the Town. This possible growth area is already in the Bethany Beach Sanitary Sewer District or is in the Sussex County Sewer South Coastal Area Planning Study.

The Town of Ocean View encompasses 1,433 acres and has a possible total area of 3,060 acres at this time.

Concerns about development types accompany this growth. The Town's current zoning map is attached. The general business (GB) district for the Town of Ocean View will continue on Route 26. The business district is intended to consist primarily of neighborhood service and retail type establishments to serve Ocean View residents and other pedestrian traffic but not to increase vehicle traffic on the already congested Route 26. The Town wants to encourage small retail shops, restaurants, and professional and medical offices and has adopted new ordinances to ensure adequate parking

and attractive landscaping on Route 26. Questionnaire responses also indicated that Ocean View property owners would like a mixed use of residential and commercial parcels on Route 26 and that they preferred the commercial area to stay on Route 26 and not go beyond it. The Town will need to revise the permitted uses in the GB districts to allow residential use and amend the landscape requirements so they will pertain to multi-family residential and multi-zoned uses as well as improve the streetscape on Route 26.

The majority of the Town is zoned R-1, single-family detached homes, to enable it to retain its small-town atmosphere. The Town is divided into the following three development districts:

District 1 will include the GB district and any residential zoning deemed appropriate for Route 26.

District 2 will include any parcels already in Town prior to annexation of Bear Trap, excluding the Route 26 GB district. This district would only permit R-1 zoning, but would consider the possibility of RPC overlays.

District 3 would include Bear Trap and any other parcels annexed into the Town after Bear Trap. This district would permit R-1, R-2, and R-3 zoning with RPC overlays when appropriate. The Town will also encourage the establishment of neighborhood businesses within any new RPC's.

| District | Type | Description |
|----------|---------------------------|--|
| R-1 | Single-Family Residential | Low density single family residential developments |
| R-2 | Residential | Single and two family residential developments |
| R-3 | Multi-Family Residential | Variety of housing types |

Residential planned communities are located on the south side of Route 26. These developments vary in lot size and coverage and housing types. The minimum area for an RPC is 10 acres, excluding the area dedicated for streets. Property owners also expressed concerns about affordable housing in Ocean View. The allowance of multi-unit housing in the new RPC's had given hope that this may be an avenue for more affordable housing; however, the increased property values in the Town and the surrounding area have made the goal of providing affordable housing virtually unobtainable. The Town hopes that the multi-use property proposed for District 1, which would allow residential and general business on the same parcel, will result in some affordable housing in the Town.

Storm water management is another growing concern in Ocean View as more and more properties are developed. The Town has identified this as a mitigation hazard in a recent joint workshop held to develop a multi-jurisdictional plan and will continue to develop an engineering plan to improve the Town's current systems.

Land Use Growth Management Strategies

Concern: Preserve the small town atmosphere of the Town of Ocean View.
Strategy: Maintain the current zoning of R-1 single family detached homes in the majority of the Town.

Concern: Create an attractive streetscape on Route 26.
Strategy: Amend the current landscape ordinance pertaining to the GB District

to include multi-family and multi-zoned parcels located on Route 26.

Concern: Permit residential uses along the Route 26 corridor.

Strategy: Amend current zoning code to allow residential use in a GB district.

Concern: Limit GB district to Route 26 and any new RPC's in District 3.

Strategy: Update current zoning map to reflect this concern.

Concern: Create more single-family homes and lower densities within the Town.

Strategies: Limit the number of units per acre in the residential planned communities. Amend ordinances to reduce the permitted number of units per acre.

Concern: Lack of community design standards for RPC's.

Strategy: Adopt community design ordinances, which would enhance the community's character.

Concern: Preservation of historical homes

Strategies: Gain a better understanding of the Town's historic resources by surveying and inventorying its architecture. Use the completed survey and inventory to determine preservation and development strategies. Consider preservation of agricultural buildings and archaeological sites when lands are being developed.

See attached maps:

Map 4 Current Land Use

Map 5 Future Land Use

Map 6 Existing Zoning

Map 7 Proposed Zoning

OPEN SPACE AND RECREATION

GOAL

ENHANCE AND MAINTAIN RECREATIONAL FACILITIES AND PRESERVE THE OPEN SPACE WITHIN THE TOWN OF OCEAN VIEW

Recreation, both active and passive, is becoming more important as lifestyles change. Families need places to “get away from it all.” Today’s recreational needs are met by facilities ranging from large complexes and organized sports to simple open areas where people can relax.

The John West Park is situated on West Avenue in a central location adjacent to the Town Hall and provides a facility for picnicking with outdoor grills and tables under a pavilion. This wooded park is impeccably maintained by the Town and gets constant use by youngsters who frolic on the playground equipment. A matching grant from Delaware’s Department of Natural Resources made it possible to update the park and include equipment for special needs’ children and a seniors’ fitness course. The park serves as a gathering place for residents of Ocean View and others outside the Ocean View area. Numerous events take place at the park including summer concerts and winter caroling.

Several neighborhoods within the Town provide amenities such as tot lots, swimming pools, and tennis courts for their owners.

Ocean View is the site of one of Delaware’s premiere public golf courses, “Bear Trap Dunes,” which provides enjoyment for Town property owners and residents.

The premier attraction of Ocean View and nearby towns is their proximity to the Atlantic Ocean and its public beaches.

The Town will develop a recreation plan and work with the Department of Natural Resources and Environmental Control to ensure that the Plan reflects the State’s open space preservation and outdoor recreation planning activities.

According to the responses given in the Town’s recent survey, 94.4% of the respondents stated that mature trees and new plantings and landscaping make Ocean View a desirable place to live. Therefore, the Town will work with the Delaware Forest Service to develop a community forestry ordinance. This ordinance will address such concerns as tree preservation along waterways and in new subdivisions, support for tree planting in downtown areas and developments, and future liability issues that come from an older and poorly maintained urban forest resource.

Concern: Preserve and enhance the current recreational facilities and open spaces within the Town.

Strategies: Continue to maintain and improve the John West Park and review the Long Range Financial Plan to ensure that adequate funding is budgeted for it. Work with the Department of Natural Resources and Environmental Control to develop a recreational plan for the Town of Ocean View.

Concern: Future developments will not allow open space or recreation in the Town.

Strategy: Revise the Zoning and Subdivision Ordinances to require recreational facilities and open space in future developments. Adopt community design standards for RPC's.

Concern: Current development will eliminate parcels that would be available for recreation facilities.

Strategies: Include funding in the Town's Long Range Financial Plan to acquire land for open spaces. Investigate possibility of State grant to acquire land for open spaces and/or recreation needs.

Concern: Rapid growth will cause destruction of trees and vegetation.

Strategy: Work with the Delaware Forest Service to develop ordinances for preserving older trees and planting new ones.

TRANSPORTATION

GOAL

ENHANCE THE EXISTING TRANSPORTATION SYSTEM AND CREATE ALTERNATIVE TRAVEL THROUGH A MULTI-MODAL TRANSPORTATION NETWORK TO IMPROVE TRAVEL SAFETY

An adequate community transportation system must ensure that pedestrian and vehicular traffic flows safely and efficiently without serious disruption to community lifestyle patterns. This task becomes more difficult during the seasonal influx of summer traffic to southern Delaware resort areas. Land development and population growth will add new service demands to the present transportation network.

The Delaware Department of Transportation currently maintains the following routes within the Town of Ocean View:

- Route 26 (from Millville to Bethany Beach)
- Road 361 (south of Route 26 known as West Avenue)
- Road 357 (north of Route 26 known as Central Avenue)
- Road 84 (south of Route 26 known as Central Avenue)
- Road 352 (Windmill Road south of Burbage Road)
- Road 368 (Beaver Dam Road east of Central Avenue)

Route 26 runs directly through the Town of Ocean View and is the major east-west route to Bethany Beach and other Atlantic coast resorts. It therefore experiences excessive seasonal congestion.

The Delaware Department of Transportation has initiated a planning study of Route 26 and hopes to begin the design phase in fall 2004 and complete construction in 2010. Staff shortages, archeological studies, and right-of-way acquisitions delayed this project. The proposed improvements include widening the road to 11' travel lanes; adding shoulders, turning lanes, and bypasses at intersections wherever possible; installing a traffic signal at the intersection of Route 26 and West Avenue; and replacing/adding sidewalks from Millville to the Assawoman Canal.

The Delaware Department of Transportation is also studying an alternate route to direct traffic away from Route 26. Road improvements would include 11' travel lanes and 5' shoulders. This project is currently under design; construction is expected to begin in spring 2006. The project will encompass the following roads:

Phase 1

- Road 353 (Burbage Road) from State Route 17 to Road 352 (Windmill Road)
- Road 352 (Windmill Road) from State Route 26 to Road 84 (Central Avenue)
- Road 84 (Central Avenue) from Road 352 (Windmill Road) to 368 (Beaver Dam Road)

- Road 368 (Beaver Dam Road) from Road 84 (Central Avenue) to Road 361 (Muddy Neck Road)

Phase II

- Road 365 (Powell Farm Road) from State Route 26 to Road 353 (Burbage Road)
- Road 353 (Burbage Road) from Road 365 (Powell Farm Road) to State Road 17

All new highway access, including driveways, commercial entrances, and subdivision entrances on State-maintained roads, is subject to an entrance design review process by the Delaware Department of Transportation.

The Town owns and maintains the balance of the public streets in the Town of Ocean View. Street repairs are dealt with on an as-needed basis; however, the Town hopes to implement a paving management system to help plan for future repairs as well as implement maintenance programs to preserve the streets.

The Town of Ocean View has very few sidewalks; the majority of these are on Route 26 or in the residential planned communities.

Ocean View currently has no ordinances requiring sidewalks or bike paths, but expects to add such ordinances to the new community design standards it hopes to implement.

The Town plans to design a network of bike paths and sidewalks to increase pedestrian traffic and reduce vehicle traffic. This network will connect to the sidewalks and bike paths in the Town of

Bethany Beach and the current bike path on West Avenue and form a loop to South Bethany, Sea Colony, Bethany Beach, and Ocean View.

The Town is currently studying the first phase of this plan to provide a pedestrian walkway along Woodland Avenue from West Avenue to Daisy Avenue. This would allow citizens to access the West Avenue Loop, as well as the sidewalk leading to Lord Baltimore Elementary School.

Congestion on Route 26 is a major concern of the property owners in the Town. The Delaware Department of Transportation is in the process of finalizing a capital improvement project to include Route 26. The Town has asked the State to look for some relief routes around the Town of Ocean View.

Ocean View's citizens also have concerns about the intersections that cross over Route 26. The Town has asked the State to look for a temporary solution for the serious congestion at the intersection of Route 26 and Central Avenue until Route 26 is improved. This temporary solution should also alleviate problems at Woodland Avenue and Route 26 because people now use Woodland Avenue as a relief route from Central Avenue. The Town has hired an engineering firm to look into improving this intersection and hopes this issue will be resolved before the next summer season. The intersection at West Avenue and Route 26 is another major concern for the Town because most of its accidents occur at this intersection. The Town is currently working with the State to find a solution to this problem.

Emergency evacuation is also a concern due to the threat of coastal flooding. The improvements to Route 26 will help alleviate these concerns but will not eliminate them because of the number of people that may need to evacuate in a severe storm. The Town must work with other local municipalities, the county, and the State to ensure a safe evacuation.

Transportation Strategies

Concern: Traffic congestion on Route 26.

Strategies: Continue to communicate with DelDOT on the capital improvements project. Allow residential uses in the GB district because residential use would create less traffic than business use. Improve intersections that cross over Route 26 to improve traffic flow. Add interconnecting parking lots along Route 26 to reduce number of vehicles entering and exiting on Route 26.

Concern: The lack of a safe pedestrian and bicycle transportation system.

Strategies: Develop a plan for a safe pedestrian and bicycle transportation system. Allocate funding for these projects in the Town's Long Range Financial Plan including construction costs and the costs of acquiring right-of-ways. Research existing outside funding sources such as Transportation Enhancement Funds and require future developments to improve existing infrastructure. Create community design standards to require sidewalks and/or bicycle paths and connect these routes with current and future routes wherever possible.

Concern: Maintenance of the Town's street infrastructure.

Strategies: Implement a pavement management system and update street ordinances to ensure that new roads will be properly constructed, and existing roads will be properly maintained.

Concern: Safe evacuation routes.

Strategies: Form an intergovernmental group to improve evacuation plans. Adopt a formal emergency evacuation plan for the Town.

Concern: Funding for future road improvements, sidewalks, and bike paths.

Strategies: Implement a detailed capital improvements program and budget that will include funding reserve accounts for future improvements. Continue effective management of the Municipal Street Aid Fund. Research other funding sources for road system maintenance.

See Map #8 for outlines of the proposed pedestrian routes.

SERVICES

GOAL

ENHANCE THE CITIZENS' QUALITY OF LIFE

Public Sewer

The Town of Ocean View is part of the Bethany Sanitary Sewer District, which is administered by Sussex County. The Town of Ocean View's sewer project was completed in 2001, and all residents must connect to this system.

The Town's future growth area east of Central Avenue was included in the South Coastal Area Planning Study, which allows an average of four units per acre. Sussex County is currently studying the area west of Central Avenue in the Town's future growth area to determine sewer capacity for that area. The Town met with representatives of the Sussex County Engineering Department on the new South Coastal Area Planning Study, and the Town will continue to work with Sussex County to ensure that any new developments do not exceed the sewer capacity limitations. Sussex County expects to complete the expansion of the South Coastal Regional Wastewater Facility that serves the Town of Ocean View and the surrounding areas by 2006, which will increase capacity from 6 MGD to 9 MGD. Since sewer capacity will always be limited, the Town requires that an application for subdivision or annexation must be accompanied by a letter stating sewer capacity is available for the proposed land use application.

Public Water

Public water is currently available to the communities of The Village of Bear Trap Dunes, the Cottages on White's Creek, Hunters Run, Savannahs Landing, Briarcliff, Wedgefield/Avon Park, and the Town Center through Tidewater Utilities or the Town of Bethany Beach.

Tidewater Utilities and the Town of Bethany Beach currently hold Certificates of Public Convenience and Necessity (CPCN's) for portions of the Town of Ocean View. The Town is negotiating with Tidewater Utilities to purchase part of its CPCN to include this area in a Town-owned water system. Tidewater was awarded the contract, contingent on funding availability, to supply water to the unserved area of the Town of Ocean View via a Town-owned water system. A nonbinding referendum on this issue is planned for February 2004, and the Town hopes to secure funding by March 31, 2004.

See Map **No. 9** for the currently served areas of Town.

Public Safety

The Town of Ocean View now has a police force of eight full-time sworn police officers who provide coverage at all times. The Town is now planning a

new police facility, which will meet its public safety needs for the next 20 years. The officers currently provide police protection within the Town of Ocean View and assist surrounding areas as requested by the Sussex County 911 Dispatcher. The number of calls made outside the Town of Ocean View has increased in recent years due to the rise in residential and commercial development in the area.

Fire service is provided by the Millville Volunteer Fire Company, which has 150 members. The fire company services Ocean View, Millville, and surrounding areas. The Town makes an annual donation to the fire company.

Emergency medical services are provided by Millville Volunteer Fire Company's ambulance service and Sussex County's EMT.

Conectiv and Delaware Electric Cooperative provide electricity.

Mediacom currently provides cable television to Ocean View property owners.

The Town does not provide trash service to its property owners. The Town will research the feasibility of offering trash service in the future since questionnaire responses determined that a majority of residents would like this service.

Concern: Future growth area will not have sewer capacity for the projected

maximum allowable number of units per acre.

Strategies: Work closely with Sussex County and reduce the number of allowable units in the future growth areas if necessary.

Concern: Providing public water to all property owners in the Town of Ocean View.

Strategies: Research funding sources to enable Town to provide public water to its unserved property owners.

Concern: Trash service

Strategies: Research possibility of providing trash service to the Town's property owners.

Concern: Police protection to surrounding area by the Ocean View Police Department with Ocean View taxpayers' money.

Strategies: Work with the State to provide more State police coverage to the unincorporated areas. Work with Millville to help it start a police force.

Concern: Town's lack of fire protection.

Strategy: Install a public water system to the unserved areas in the Town, which would include fire hydrants.

Concern: Town's ability to provide services to annexed properties and new subdivisions.

Strategies: Adopt an adequate public facilities ordinance to help phase in infrastructure.

ENVIRONMENTAL PROTECTION PLAN

GOAL

PRESERVE THE TOWN'S NATURAL RESOURCES BY LIMITING GROWTH IN ENVIRONMENTALLY SENSITIVE AREAS AND EDUCATE THE PUBLIC ON THE EFFECTS OF POLLUTION ON THE AREA'S WATERSHEDS

Ocean View is located within the Indian River Bay Watershed, which is an impaired watershed according to Section 303 (d) of the Clean Air Water Act. The Department of Natural Resources and Environmental Control developed total maximum daily loads (TMDL's) for the Indian River, the Indian River Bay, and Rehoboth Bay in 1998. The TMDL's for the Indian River Bay call for a 40% reduction in non-point sources of both nitrogen and phosphorus from the baseline period of 1988 to 1990.

Non-point sources of nitrogen and phosphorous come from a variety of land uses throughout the watershed. These may include, but are not limited to, septic systems, agricultural runoff, fertilizer runoff from residential lawns, and other land uses.

The public strongly supports the protection of area waterways as shown in the public questionnaire filled out by town residents, in which a vast majority of respondents (89%) ranked protecting the quality of the Indian River Bay as important. Protecting the quality of the Indian River Bay is important in shaping the growth of Ocean View and the surrounding areas.

Map 10 shows environmental features in and around the Town of Ocean View. There are several areas identified as excellent or good recharge areas. These

areas warrant special protection because they help protect and replenish the area's groundwater supply, which serves as a source of drinking water for area residents. Wetlands are also depicted on Map 10 in the Town of Ocean View and in surrounding areas. As lands in and around Ocean View are developed, wetland delineations must be conducted in areas that may contain wetlands. The Town must make every effort to ensure the protection and preservation of wetlands.

Concern: Preservation of the Town's Natural Resources

Strategies: Continue to encourage property owners to connect to the Bethany Beach Sanitary Sewer District and educate them on the environmental benefits of this connection. Educate the public on the effects of fertilizers on the watersheds. Revise the zoning code to reduce the number of units per acre, but allow for clustering to create more open space and require preservation of wetlands. Support water resource conservation through land use controls which would include groundwater aquifer recharge area protection. Implement an ordinance that would require buffers zones along wetlands and tidal waterways.

See Map #10.
Environmental Features

INTERGOVERNMENTAL COORDINATION

GOAL

ENSURE COORDINATION BETWEEN FEDERAL, STATE, COUNTY AND NEIGHBORING COMMUNITIES

The future of the Town of Ocean View is influenced by myriad forces beyond its control. It is therefore critical that intergovernmental coordination be instituted to encourage economic expansion and direct growth to appropriate areas. Such development and economic growth often have impacts on transportation, water and wastewater, the environment, and other areas of concern. Therefore, it is necessary that growth management strategies and policies promote and encourage communication, cooperation, and coordination among all parties involved. As intergovernmental agencies collaborate on issues of mutual interest, they become more aware of each other's needs and priorities.

The Town must communicate with Sussex County on many issues including, but not limited to, efforts to coordinate new developments and annexations with the Planning and Zoning Office and Utility Division.

The Town will also work with Sussex County and the Town of Millville to eliminate the jurisdictional splitting of properties that now exists.

The Town of Ocean View recognizes that any land use decisions made under the jurisdiction of Ocean View, Millville, and Sussex County impact all three jurisdictions. The potential

annexation area depicted on Map 3 shows that the area for possible annexation between the current Town boundary and Substation Road is also in the "area of concern" depicted in Millville's comprehensive plan. Ocean View is committed to working with Millville to develop a Memorandum of Understanding (MOU) between the towns regarding any annexation proposals to either town in this area. This MOU would outline a strategy for coordination between the two towns on any annexation petition or development request in this common area.

The Town of Ocean View is also interested in developing an MOU with Sussex County to agree on a method of coordinating development projects under the County's jurisdiction in the area surrounding Ocean View.

The Town of Ocean View will work with Sussex County and the State Planning Office to ensure the notification of all parties involved with annexations and zoning changes. A plan of services that will include a letter from Sussex County about the availability of sewer for the proposed project will be submitted to the State Planning Office for all annexations as part of these procedures.

Ocean View is currently working with Sussex County and the Delaware

Emergency Management Agency on a countywide hazard mitigation plan.

A letter from Sussex County Engineering Department must accompany any plan of services submitted to the Office of State Planning Coordination prior to annexation of land, verifying that sewer is available for land under consideration for annexation.

The Town's participation in both the Sussex County Associations of Towns and the Delaware League of Local Governments helps keep it abreast of any regional concerns and strategies.

The Town communicates frequently with the State Planning Office on issues such as rezoning, annexation, and the revision of this Plan. The Town also communicates with other State and

Federal agencies in its attempt to secure public water.

Strategies: Explore opportunities for cooperating with adjacent municipalities to promote regional needs. Coordinate capital improvement programs to permit more efficient provision of public infrastructure and eliminate duplication of services. Endeavor to work successfully with surrounding jurisdictions, Sussex County, and State agencies on land use and hazard mitigation plans and capital improvement projects. Develop a Memorandum of Understanding with Millville on the Town of Ocean View's Growth Area and the Town of Millville's Area of Concern.

ECONOMIC CONDITIONS

GOAL

TO MAINTAIN OR INCREASE THE CURRENT ECONOMIC STANDARDS OF THE RESIDENTS IN TOWN

The Town now has a strong local economy due to development in the area and the influx of retirees. Real estate and construction markets are booming, and health and social service industries are expanding.

Demographics from the 2000 census of the Town show that only 51% of the Town's residents are in labor force, and 33 minutes is the median travel time to work.

Local businesses in the Town of Ocean currently have a workforce of about 400 employees. The Town has a wide variety of businesses such as restaurants, banks, developers, contractors, attorneys, doctors, small retail stores, and recreational activities. The Town's largest employer, Carl M. Freeman Entities (Bear Trap Dunes), has about 53 employees in various positions from golf course and club house employees to construction and real estate professionals and management staff.

The 2000 census stated that the Town's median income was \$47,500, and five families were at or below the poverty level.

Retirees will probably continue to constitute the largest population growth segment. Therefore, employment opportunities need not grow with the rate of residential growth. The seasonal influx of tourists in neighboring beach

communities will continue to provide seasonal employment opportunities.

The Town will encourage neighborhood businesses in any new development in Zoning District 3 as well as on the Route 26 corridor, but has no formal plans for economic development within the Town of Ocean View.

IMPLEMENTATION STRATEGIES

GOAL

To implement policies and regulations to support the Comprehensive Land Use Plan

Evaluate current codes and ordinances and determine whether or not they support the revised Plan.

Revise current codes and ordinances, which do not support the CLUP.

Evaluate zoning map.

Revise zoning map to comply with CLUP within 18 months of plan's adoption.

See the Proposed Land Use Plan Ordinance Implementation List (Exhibit 1).

PROPOSED LAND USE PLAN
ORDINANCE IMPLEMENTATION LIST

1. Rezone to comply with the Comprehensive Plan.

2. Reduce densities in R-3 Residential District.

R-3 (Single-family) 4/acre

R-3 (Two-family) 5/acre

R-3 (Townhouse) 5/acre

R-3 (Multi-family) 5/acre

3. Increase minimum house sizes in all residential districts:

R-3 (Single family) 1 story, 1,200 sq. ft.; 2 story, 1,600 sq. ft.

R-3 (Two family) 1,250 sq. ft./unit

R-3 (Townhouse) 1,250 sq. ft./unit

R-3 (Multi-family) 1,000 sq. ft./unit

R-1 same as R-3 (Single family)

R-2 (Single family) same as R-3 (Single family)

R-2 (Two family) same as R-3 (Two family)

4. Residential in general business district: permit R-1, R-2's, and R-3's (Single family, two family, and townhouse); if used for residential, no commercial use.

5. Mixed-use in general business district: by conditional use, ratio of 50:50; housing types to be determined by application.

6. RPC design standards:

Commercial – serve neighborhood – encourage a minimum 1,000 sq. ft. required in RPC's greater than 10 acres; 1 acre commercial per 100 units for RPC's greater than 26 acres.

Recreational – must be completed by time 20% of total project is completed; 10 to 15 acres: minimum ½ acre; 15 to 25 acres: 1 acre; 26 acres or more: 1 acre for every 100 units; may include any of pool, tennis court, putting green, tot lots

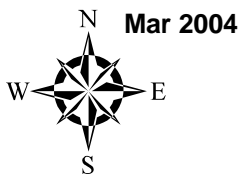
Open space – not less than one-third total acreage (calculation does not include streets, driveways, etc.); may include passive recreation; e.g., bike paths, walking trails, parks, gardens, etc.

Streets – driveways are streets for calculation in density; street lighting and sidewalks (one side) required.

Housing types – not less than 50% single-family housing.

Height restriction – increase from 35' to 42' absolute.

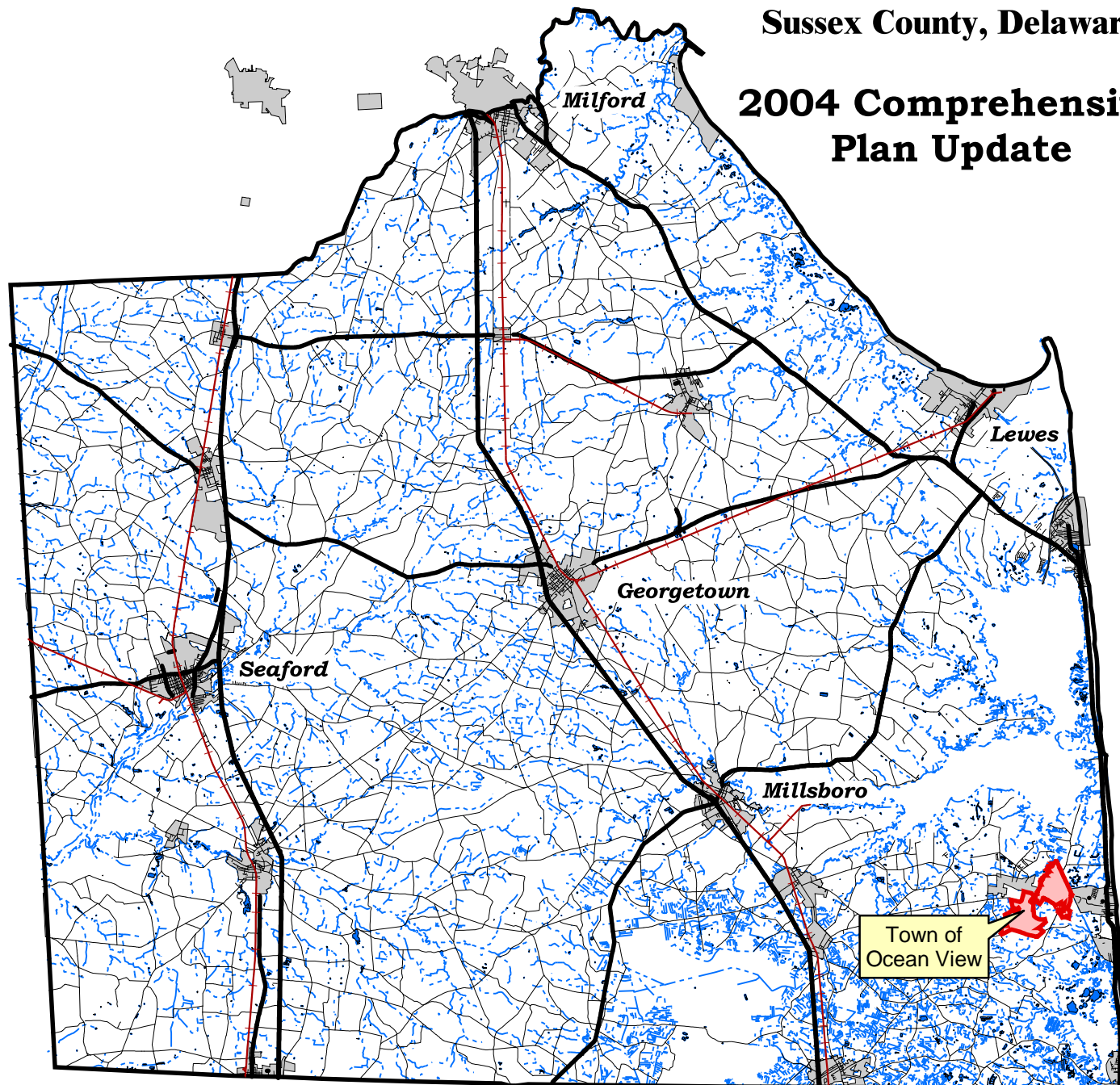
7. Rear yard setback – 30' for commercial sites adjacent to residential uses (non-disturbance area).
8. Tree maintenance and preservation ordinance.
9. Buffer zones along wetlands and tidal waterways.



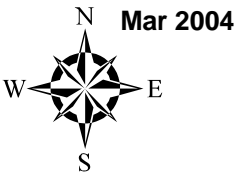
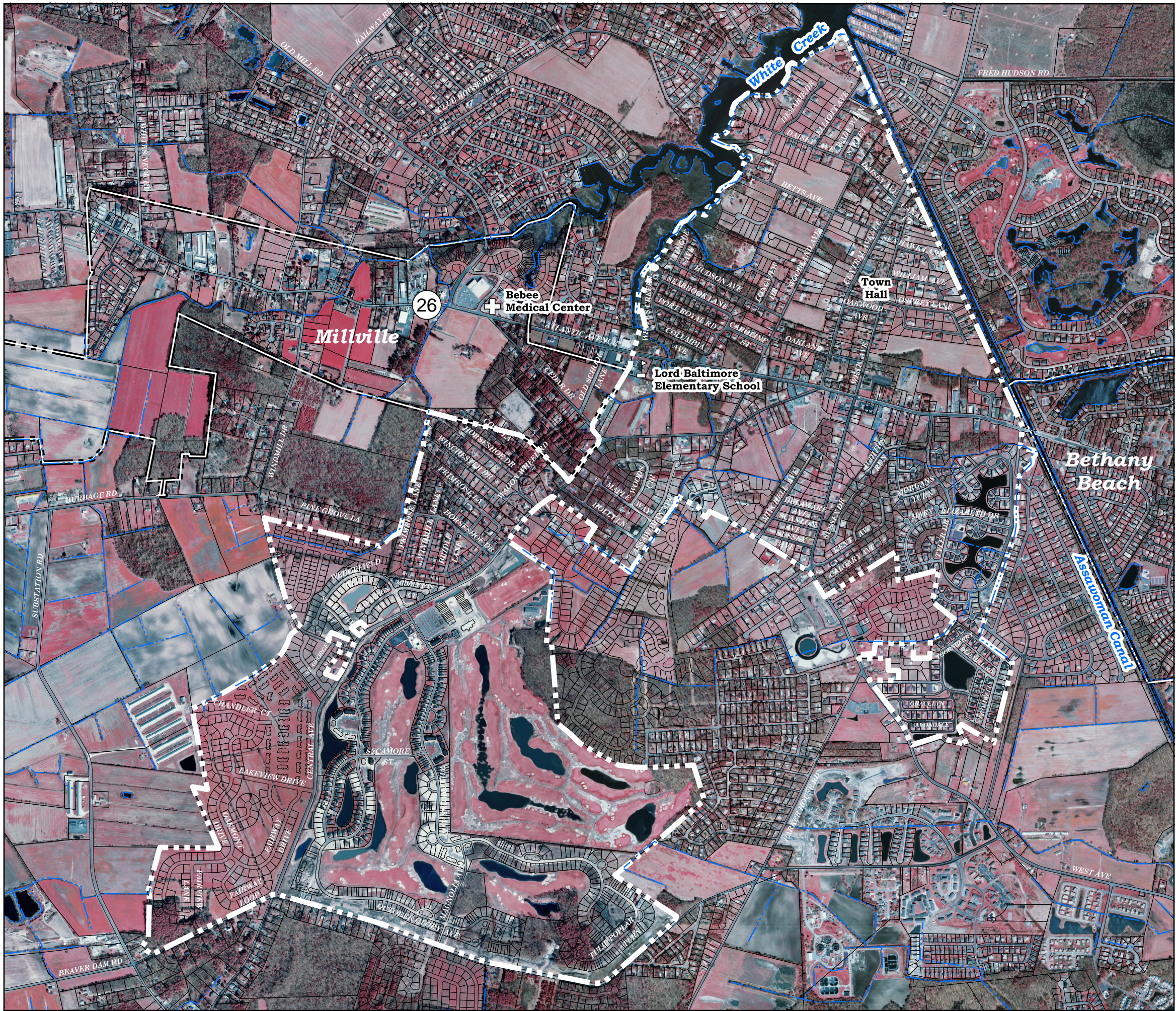
Town of Ocean View

Sussex County, Delaware

2004 Comprehensive
Plan Update



Map No. 1



Mar 2004

Map No. 2

Town of Ocean View

Sussex County, Delaware

2004 Comprehensive Plan Update

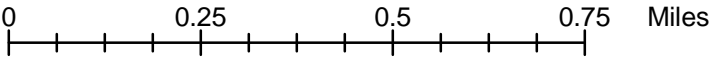
Town Boundaries

March 2002 Aerial Photograph

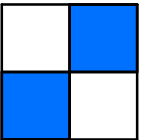
Map Key

- Town of Ocean View
- Tax Parcel Boundaries
- Waterways

2002 Aerial Photograph Courtesy of Delaware Geographic Data Committee
Tax Parcel Boundaries based on Sussex County Tax Mapping

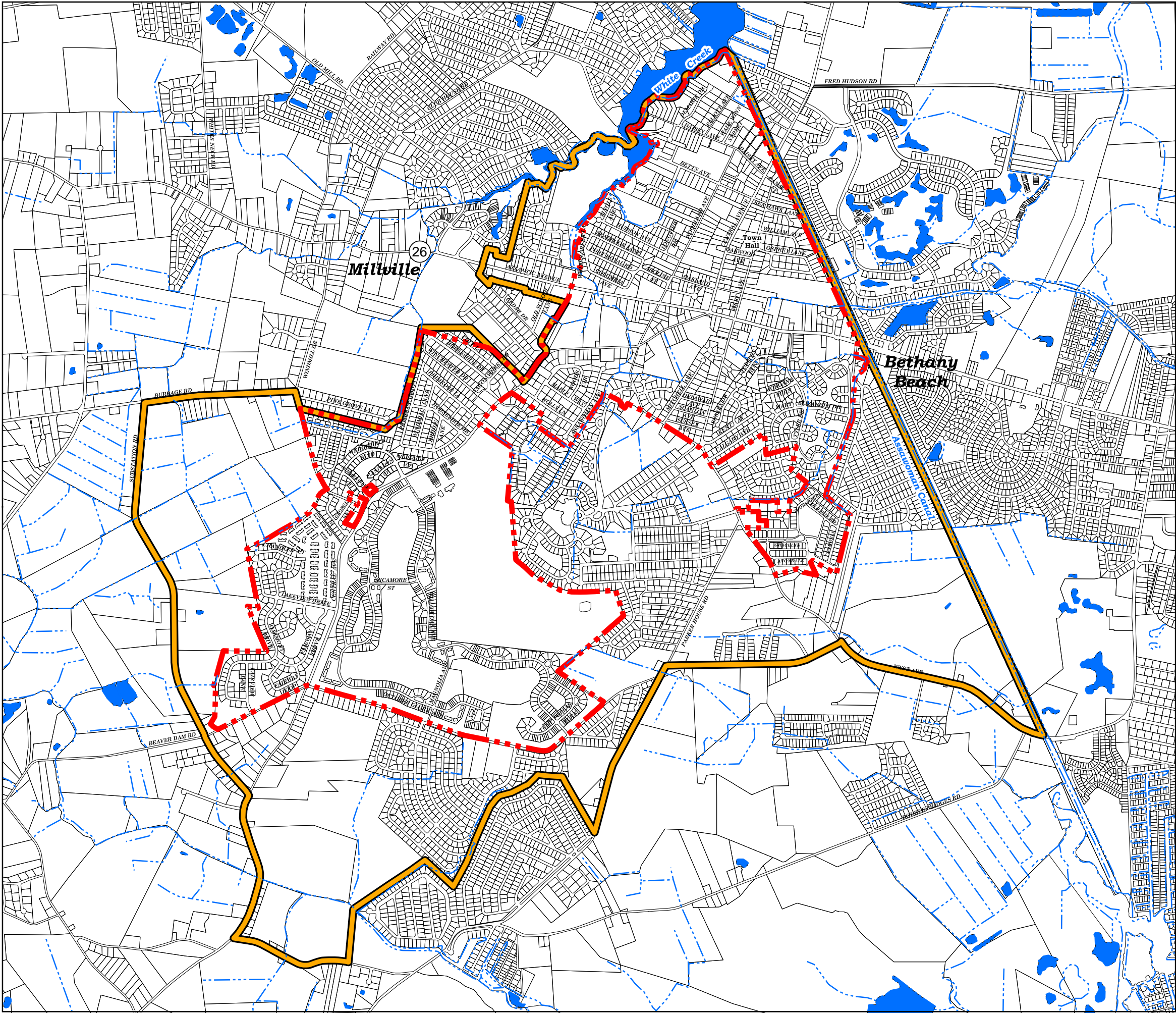


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Town of Ocean View


Sussex County, Delaware


2004 Comprehensive Plan Update

Growth Area

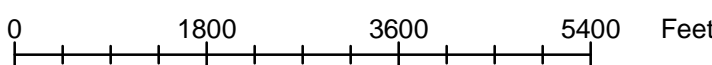
Map Key

 Growth Area

 Town of Ocean View

 Tax Parcel Boundaries

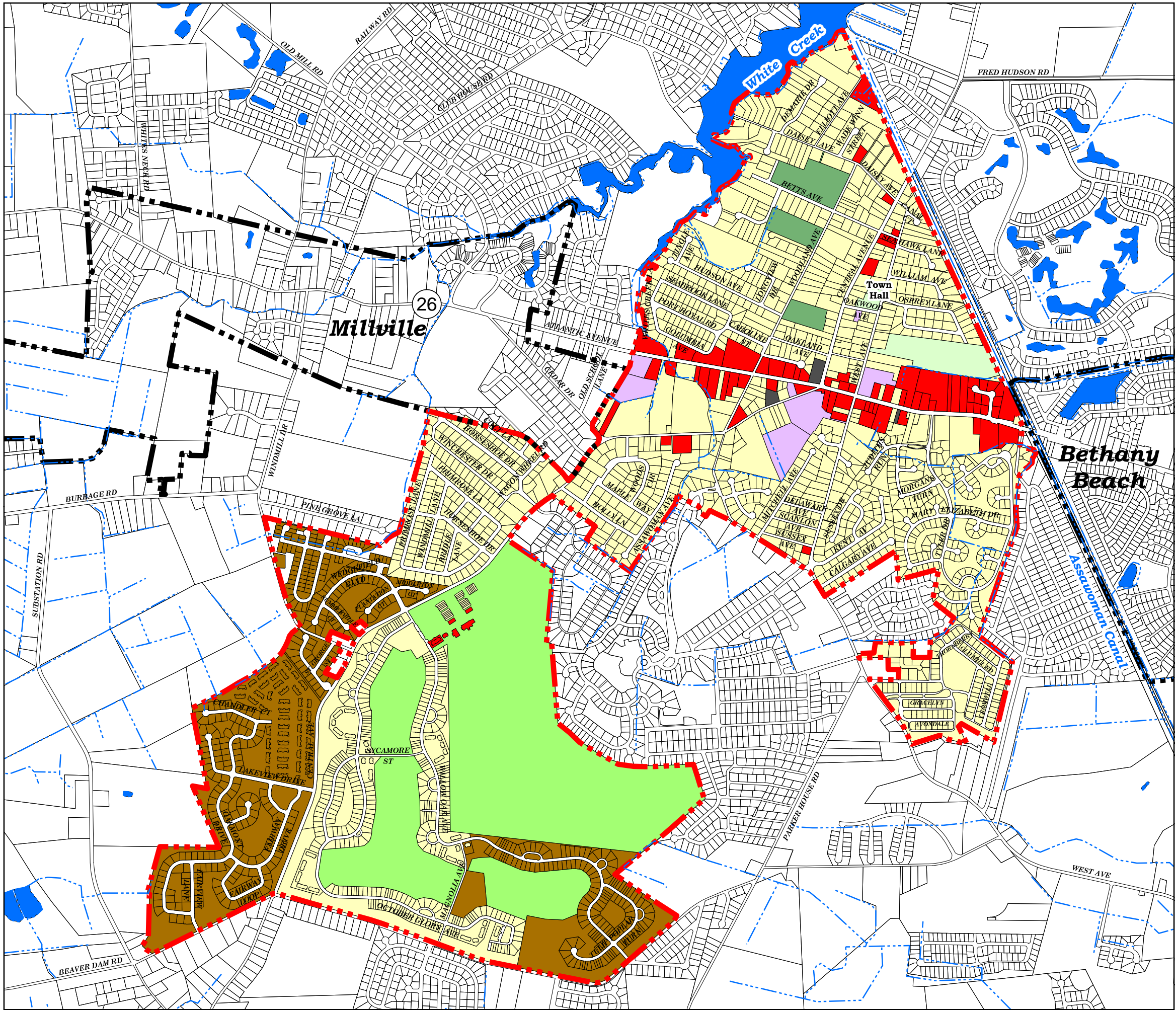
Tax Parcel Boundaries based on Sussex County Tax Mapping



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Map No. 4

Town of Ocean View

Sussex County, Delaware

2004 Comprehensive Plan Update

Current Land Use

Map Key

Town of Ocean View

CURRENT LAND USE

Residential

Commercial

Institutional

Transition

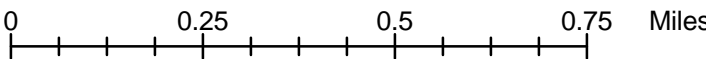
Recreational

Agricultural

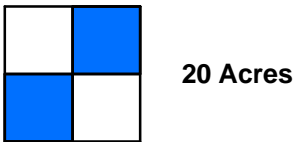
Open Space

Utility

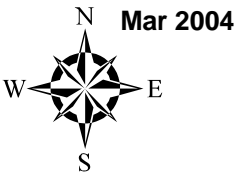
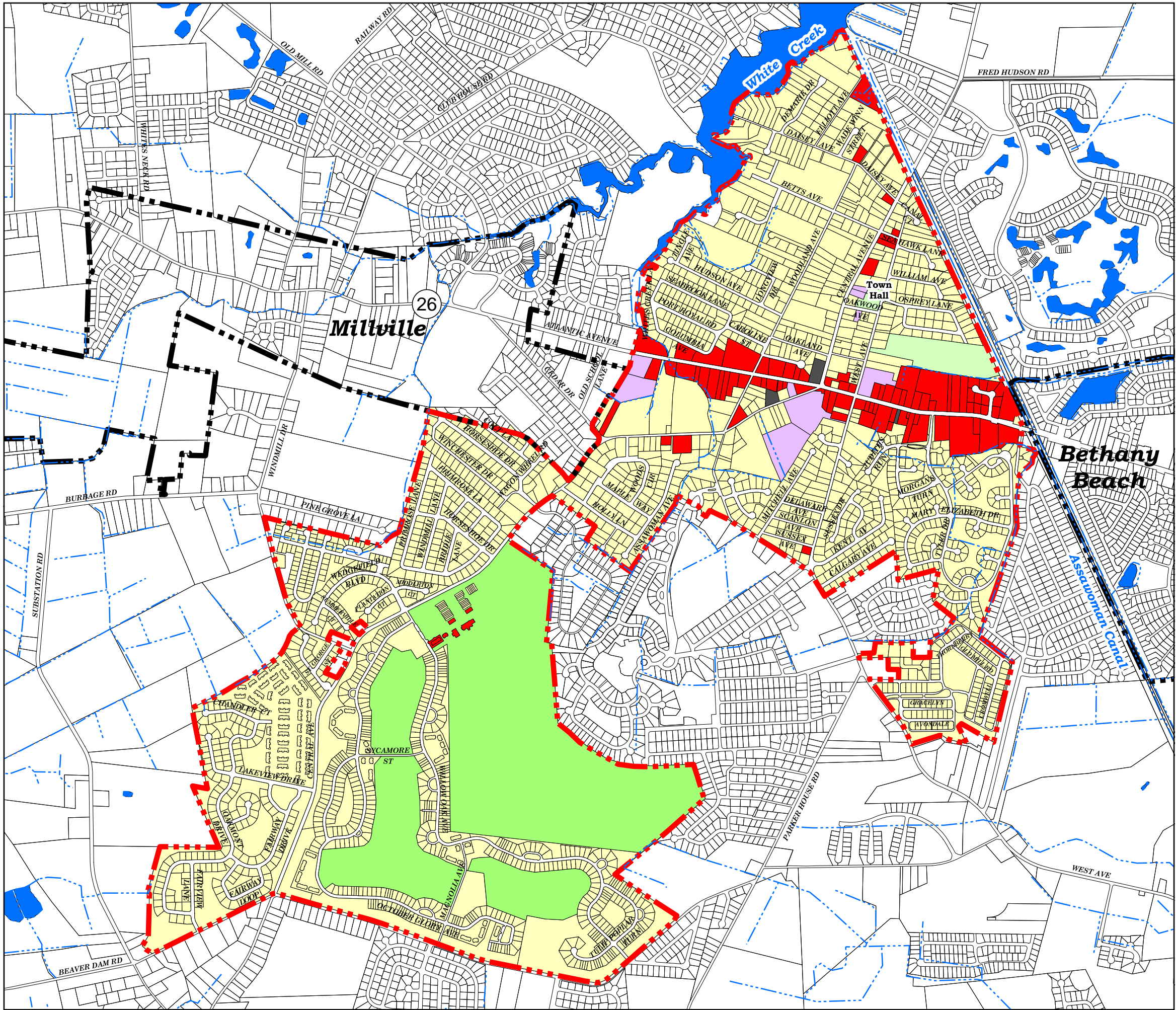
Land Use based on Current Aerial Photography and Windshields Surveys
Tax Parcel Boundaries bases on Sussex County Tax Mapping



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Map No. 5

Town of Ocean View

Sussex County, Delaware

2004 Comprehensive Plan Update

Future Land Use

Map Key

Town of Ocean View

FUTURE LAND USE

Residential

Commercial

Institutional

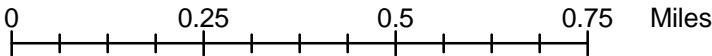
Agricultural

Recreational

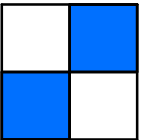
Open Space

Utility

Land Use based on Current Aerial Photography and Windshield Surveys
Tax Parcel Boundaries based on Sussex County Tax Mapping

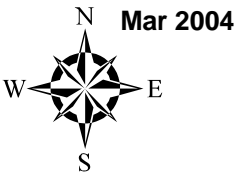
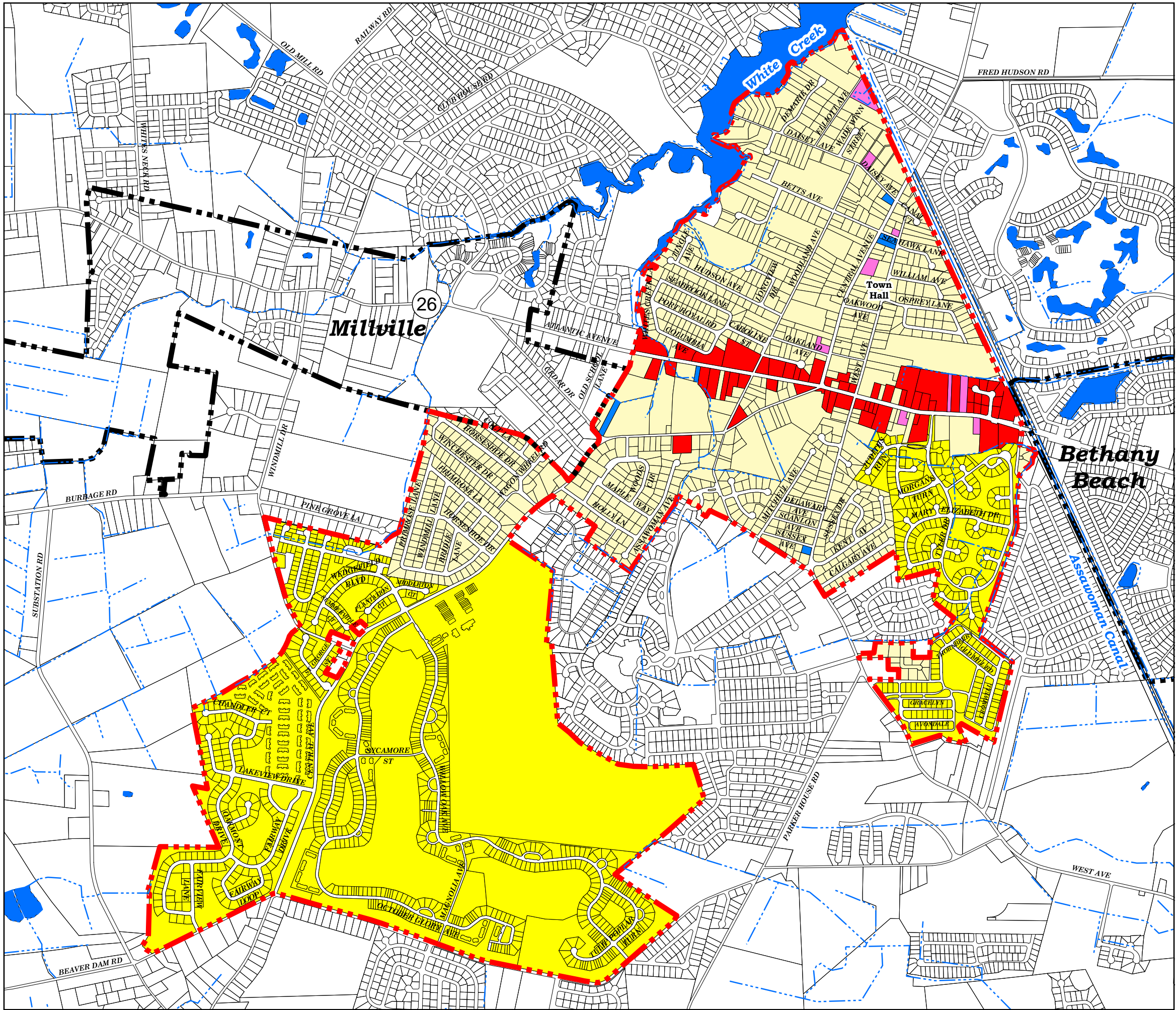


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Town of Ocean View

Sussex County, Delaware

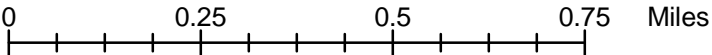
2004 Comprehensive Plan Update

Existing Zoning Map

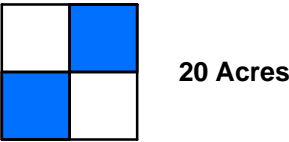
Map Key

- Town of Ocean View
- Existing Zoning**
 - CU-Conditional Use
 - GB-General Business
 - NC-Non Conforming
 - R-1-Residential
 - RPC-Residential Planned Community

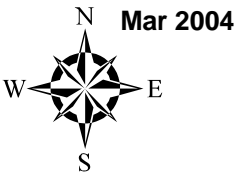
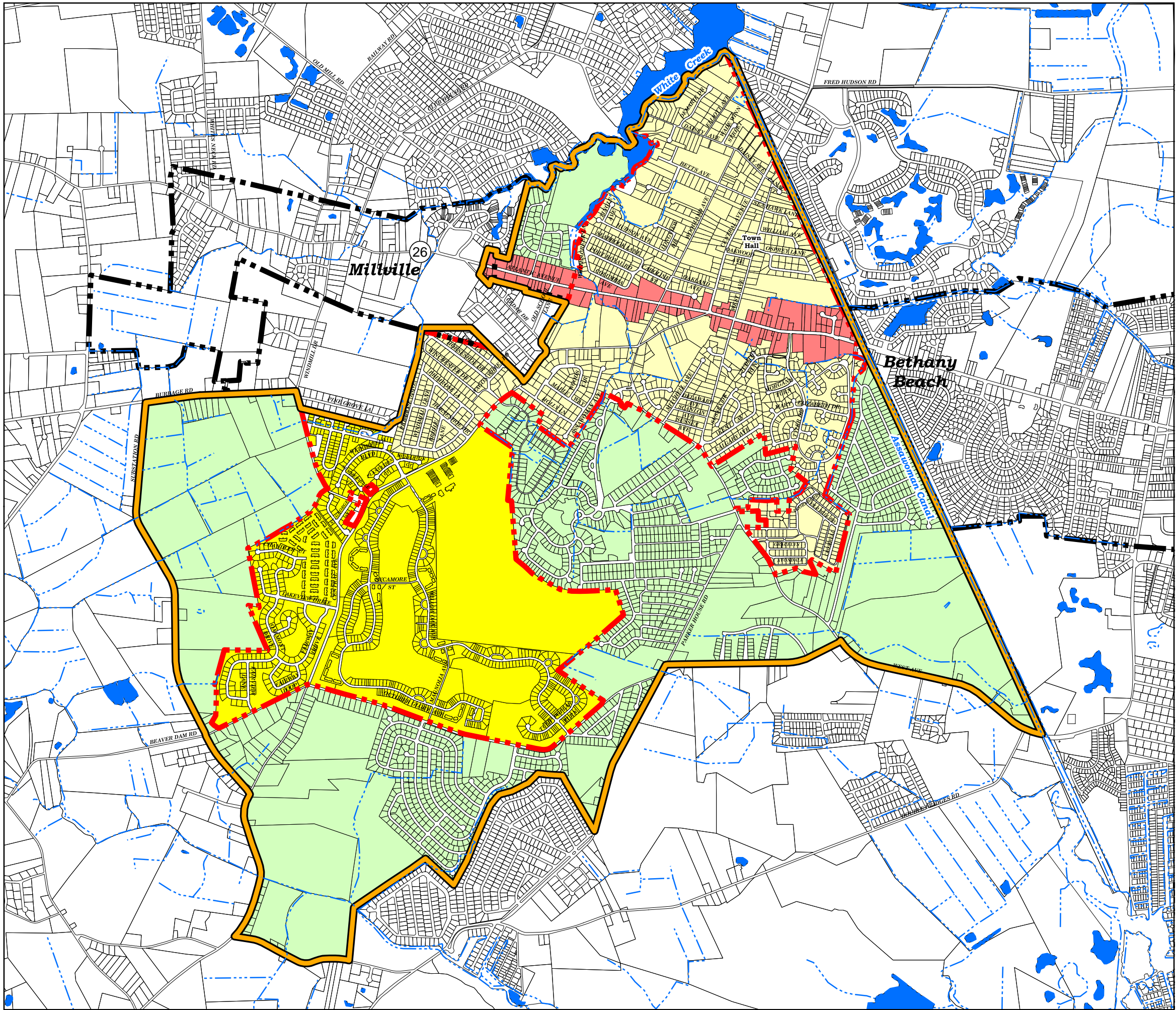
Tax Parcel Boundaries based on Sussex County Tax Mapping



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Town of Ocean View

Sussex County, Delaware

2004 Comprehensive Plan Update



Proposed Zoning Map

Map Key

Town of Ocean View

Proposed Zoning

District 1

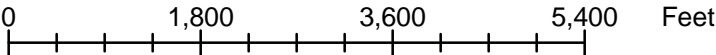
District 2

District 3

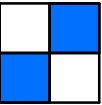
Proposed District 3

Growth Area

Tax Parcel Boundaries based on Sussex County Tax Mapping

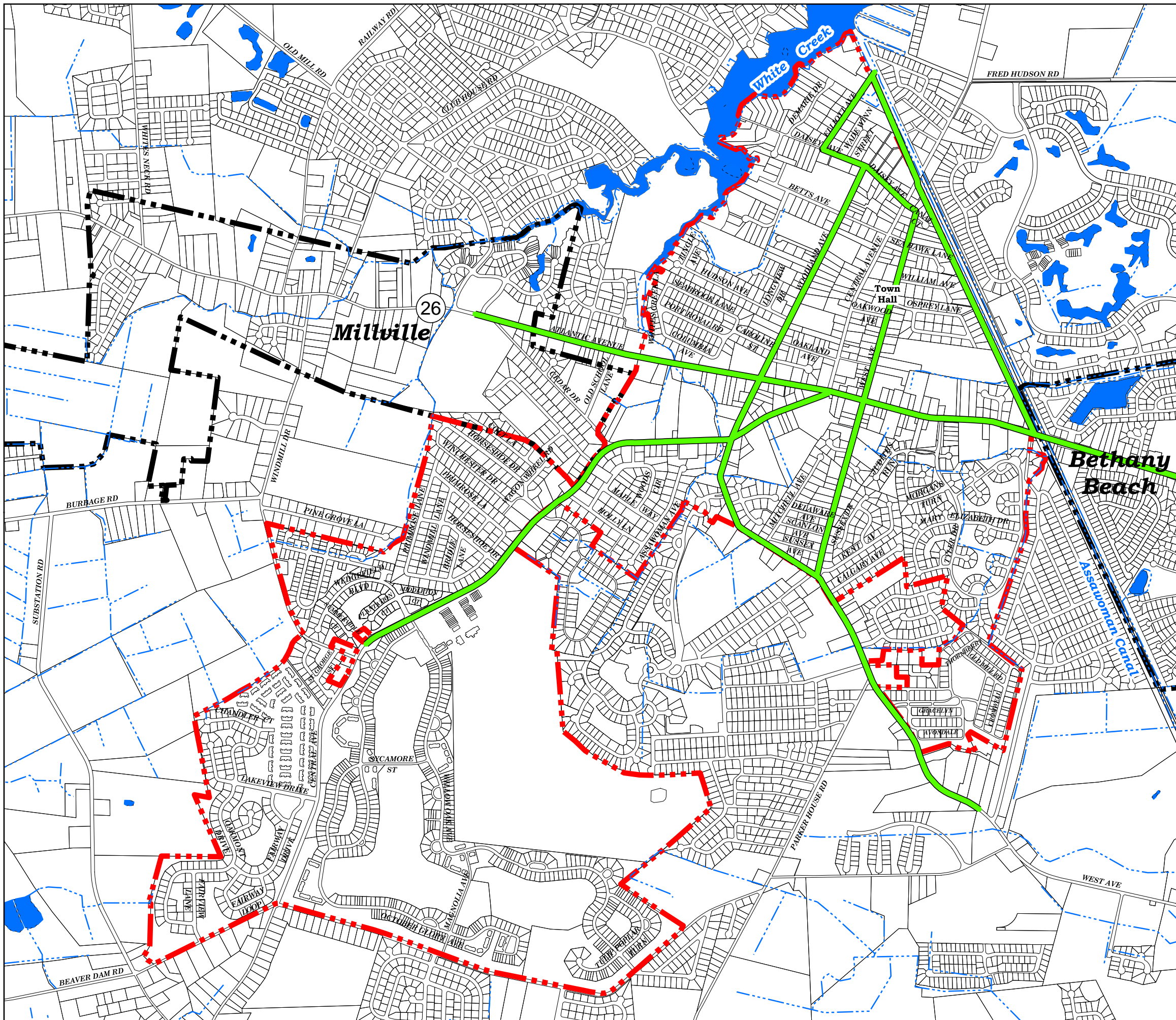


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Map No. 8



Town of Ocean View

Sussex County, Delaware

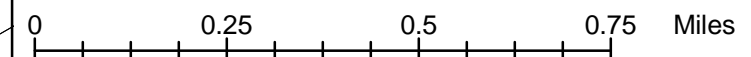
2004 Comprehensive Plan Update

Proposed Pedestrian Routes

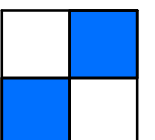
Map Key

-  Town of Ocean View
-  Pedestrians Routes

Tax Parcel Boundaries based on Sussex County Tax Mapping

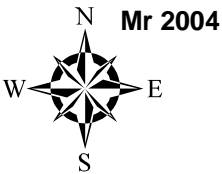
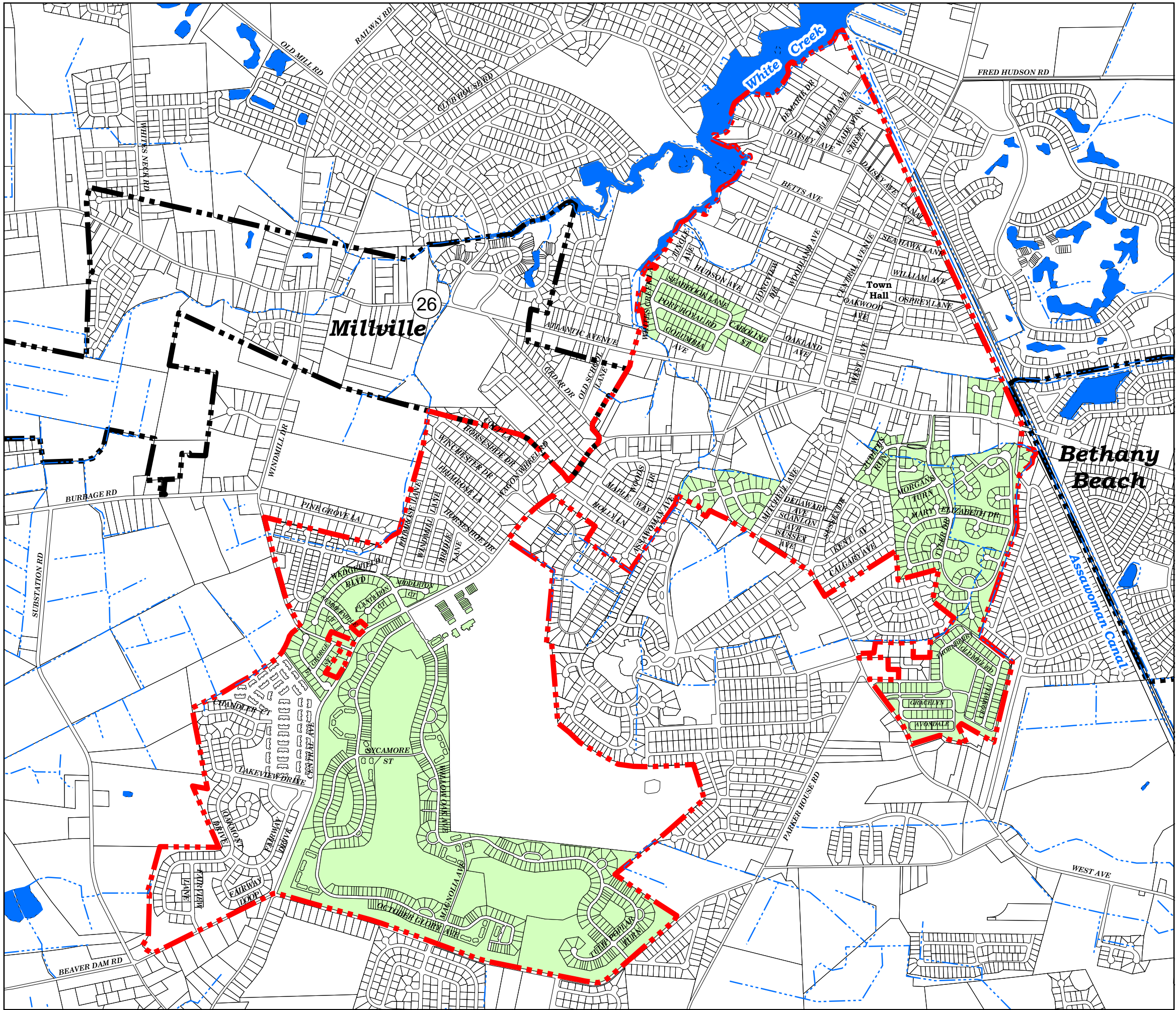


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Map No. 9

Town of Ocean View

Sussex County, Delaware

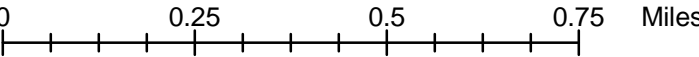
2004 Comprehensive Plan Update

Parcels Currently Served with Public Water

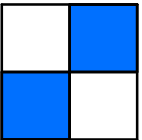
Map Key

- Currently Served Public Water
- Town of Ocean View

Tax Parcel Boundaries based on Sussex County Tax Mapping

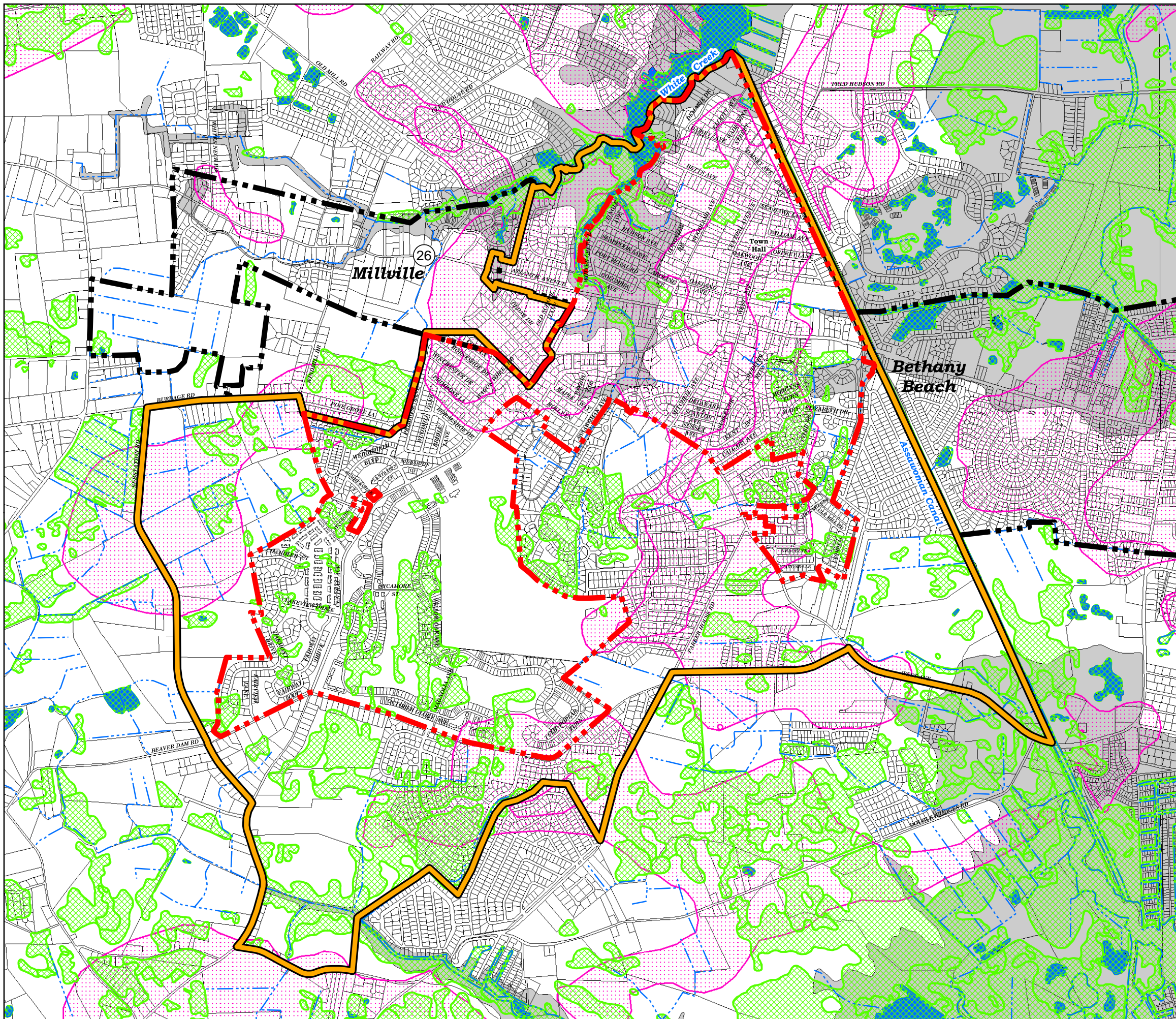


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Map No. 10

Town of Ocean View

Sussex County, Delaware

2004 Comprehensive Plan Update

Environmental Features

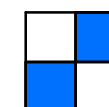
Map Key

- Town of Ocean View
- Growth Area
- other town boundaries
- Fema 100-Yr Flood Plain
- State Mapped Wetlands
- Excellent & Good Recharge Areas

Recharge Areas mapped by the Delaware Geological Survey
Wetlands data per DNREC based on 1992 Aerial Photography
100 Year Flood data by Fema May 05, 2003
Tax Parcel Boundaries based on Sussex County Tax Mapping

0 1800 3600 5400 Feet

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